Andrew P. Altholz (SBN 152713)
Attorney at Law
100 Wilshire Boulevard, Suite 940
Santa Monica CA 90401-1113
Phone (310) 451-0789
Fax (310) 821-4905
Email andrewpaltholz@msn.com

Attorney for Plaintiff
Beth Farrelly

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION – SPRING STREET COURTHOUSE

Beth Farrelly, Plaintiff. vs. The United States of America, a public governmental entity; Sandra Jeanette Ramirez; Does 1 to 10. Defendants.	Case No: **BETH FARRELLY'S COMPLAINT FOR:** **1. NEGLIGENCE – MOTOR VEHICLE** Judge: DEMAND FOR JURY TRIAL

Plaintiff Beth Farrelly ("Beth") hereby alleges the following counts against the named Defendants: The United States of America, a public governmental entity; Sandra Jeanette Ramirez; Does 1 to 10 as follows:

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Nature of this Action

1. This action involves claims for personal injuries and damages sustained by Beth arising from a motor vehicle collision, with a governmental vehicle, a mail truck, operated by the United States Postal Service, and driven by postal carrier, Sandra Jeanette Ramirez, in the course of her employment, who was solely at fault for causing the accident.

Jurisdiction & Venue

2. The claims pled in this Complaint arise under 28 USC § 1346(b), 2671 - 2680.

3. This Court has venue over these claims under 28 USC § 1402 as the incident which is the subject of this action occurred in this District and as Plaintiff resides in this District.

Parties

4. Plaintiff, Beth, is a resident of Pacific Palisades, in the County of Los Angeles, State of California.
5. Defendant, The United States of America ("USA") is our governmental public entity, operating the United States Postal Service ("USPS") as an independent agency, which is responsible for providing postal service in the United States.
6. At all relevant times, Defendant Sandra Jeanette Ramirez ("Sandra") was a postal carrier, employed by USPS, and acting within the course and scope of her employment.
7. The true names of Defendants Does 1 to 5 are unknown to Beth and Beth will seek leave of Court to name them after the same has been ascertained.

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8. Rocco is informed and believes each named Defendant and Does 1 to 5 were the agents or employees of the other Defendants, acting within the course and scope of their agency, employment or joint ventures, or their capacity is unknown, acted or omitted to act to cause damages to Beth.

Factual Allegations

9. On May 6, 2014, Sandra was driving postal truck #8205027 ("Truck") in the City of Santa Monica, County of Los Angeles, State of California.
10. The truck was parked in an alley between 15th street and 16th street off Broadway, in the city of Santa Monica.
11. This alley is an entrance to the parking lot for a market, Co-opportunity market.
12. Beth was driving East on Broadway, and turned her boyfriend's vehicle, a 2003 Isuzu Rodeo, into this alley, to enter the parking lot of Co-opportunity market.
13. After Beth had turned into the alley and was slowly driving in this alley, Sandra started driving the Truck without looking, and negligently reversed the Truck into Beth's vehicle, at excessive speed, and with great force, causing extensive damage to the Isuzu, and substantial bodily injury to Beth.
14. After colliding with Beth's vehicle, Sandra also drove the Truck into a parked Volvo.
15. Prior to commencement of this action, Beth filed a timely tort claim with the USPS pursuant to under 28 USC § 2675.
16. Beth's tort claim was denied by the USPS on September 22, 2016.
17. Thereafter, Beth timely submitted a request for reconsideration of her tort claim by the USPS, and also filed an amended tort claim for the sum of $220,000.00 to the USPS.
18. This timely complaint followed.

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FIRST CLAIM

NEGLIGENCE – MOTOR VEHICLE

against USA, SANDRA, and Does 1 to 5

19. Beth incorporates the allegations of paragraphs 1 to 18 herein.
20. On May 6, 2014, Defendants' acts, as set forth above, were negligent as to Beth.
21. These acts were the legal (proximate) cause of injuries and damages to Beth.
22. Sandra operated the Truck, which negligently collided with Beth's vehicle.
23. The Truck was owned by the USA, and deployed to the USPS.
24. The USA through the USPS employed Sandra, and each entrusted the Truck to Sandra, who operated the Truck, in the course, of her employment.
25. Sandra was the sole cause of the accident, and Sandra and USA are solely liable for the resulting damages under 28 USC Section 2674 and California tort law. See California Civil Code Section 1714(a), and California Vehicle Code Sections 22106, 22350, 23103, and 23104.

WHEREFORE Plaintiff prays for:

1. Judgment in her favor for relief which is fair, just and equitable;
2. Damages, including actual, general, and compensatory damages, including pain and suffering damages; income / wage loss; hospital and medical expenses, loss of earning capacity, and future hospital and medical expenses;
3. Prejudgment interest from May 6, 2014 to the date Judgment is entered;
4. For an award of costs;

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5. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Beth hereby demands trial by jury.

Dated: March 18, 2017

By: /s/Andrew P Altholz

Andrew P Altholz
Attorney for Beth Farrelly